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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,437	01/16/2002	Peter Hoch	RCA 87,911/4417690	6648

7590 06/22/2004

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EXAMINER

CHEN, TIANJIE

ART UNIT	PAPER NUMBER
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2652

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DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/911,437

**Applicant(s)**

HOCH, PETER

**Examiner**

Tianjie Chen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,6,7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6,7,9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 08/443,518.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## ***Non-Final Rejection***

### ***Claim Objections***

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. A claim cancelled by amendment may be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number (MPEP 714.24). When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 5 has been renumbered as claim 9.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuruta et al (US 5,119,357).

With regard to claim 1, Tsuruta et al shows a Gear rack arrangement in Fig. 3, including: two mutually displaceable and resiliently braced gear racks 5 and 6 having suspension mountings of at least one latch hook 5a disposed on braced gear rack 5 and corresponding slot-shaped openings (the narrow portion of 6a) disposed in the other gear rack 6, for providing a portion of an anti-detachment safeguard and while enabling the pair of gear racks to be mutually displaceable, the anti-detachment

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safeguard including an elastic boss (the projection between two 5a in Fig. 3) having a locking end portion 5b, the boss being elastically and plastically deformable in certain extent. The boss is disposed on at least one of the gear racks in order to prevent detachment of the other gear rack when suspension mountings including latch hooks 5a are in a position with respect to the slot-shaped openings (the narrow portion of 6a) where the latch hooks 6a being first slide into the wide portion of 6a in assembly and then slid into the slot-shaped openings-the narrow portion of 6a.

With regard to claim 7, Tsuruta et al shows a gear rack arrangement, in Fig. 3 including: two gear racks 5 and 6, which are mutually displaceable on latch elements and are resiliently braced, one of the latch elements comprises a brace means for providing a portion of an anti-detachment safeguard while enabling the pair of gear racks to be mutually displaceable and a 5a projection, which has a roof 5b, for holding and forming a counter-rest for a spring 7.

With regard to claim 9, Tsuruta et al further shows that the elastic boss is arranged opposite to suspension mountings of said latch hooks 5a.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuruta et al in view of Ikedo et al (US 4,631,716).

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With regard to claim 6, Tsuruta et al does not specifically state that the elastic boss is designed to be plastically deformable.

Ikedo et al teaches a rack which is made of resin (Column 6, line 55).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to use resin for making racks in Tsuruta et al's device. The rationale is as follow: Tsuruta et al teaches a device with racks, but does not teach the material for making the rack. Ikedo et al teaches using resin for making rack, and it is notorious in the art. One of ordinary skill in the art, who is looking for the material for making the rack, would have been motivated by Ikedo et al's teaching to use resin for making the rack. In such constructed device, the boss the elastic boss is designed inherently being plastically deformable.

#### ***Response to Arguments***

4. Applicant's arguments filed 07/24/2001 have been fully considered but they are not persuasive. Tsuruta et al shows that the hooks slid into the slot-shaped openings – the narrow portion of 6a from the wide portion of 6a.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is (703) 305-7499. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 06/08/04  
TIANJIE CHEN  
PRIMARY EXAMINER